

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:20 CV 92 MR WCM

KATHERINE MONICA VICKERS, )  
ESTATE OF KATHERINE )  
MONICA VICKERS, and RUPA )  
VICKERS RUSSE, *individually* )  
*and as Executor of the Estate* )  
*of Katherine Monica Vickers,* )

Plaintiffs, )

v. )

UNITED STATES OF AMERICA, )

Defendant. )  
\_\_\_\_\_ )

ORDER

This matter is before the Court on “Plaintiffs’ Motion to Allow Plaintiff to Submit Response to Defendant’s Opposition” (the “Motion,” Doc. 23).

By the Motion, Plaintiffs seek leave to file a reply brief in support of their pending Motion for Leave to File Amended Complaint, Grant N.C.G.S. 9(j) Extension, and Accept 9(j) Certification Filing (the “Motion to Amend,” Doc. 17) and Motion to Join Additional Parties Defendant (the “Motion to Join,” Doc. 18).

Plaintiffs filed the Motion to Amend and Motion to Join on December 16, 2020. Docs. 17 & 18. On December 30, 2020, the United States filed responses to both motions. Docs. 19 & 20. On January 6, 2021, Plaintiffs filed the instant

Motion seeking leave to reply. Doc. 23. The Motion attaches Plaintiffs' proposed reply (Doc. 23-2) and accompanying exhibits (Docs. 23-3 through 23-6).

Pursuant to Local Civil Rule 7.1(e), a party may file a reply brief within seven (7) days of the date on which the opposing party's response is served. It therefore appears that Plaintiffs' reply was timely filed and that leave of court was unnecessary. Accordingly, the Motion will be denied as moot. However, the parties are advised that the Court will consider Plaintiffs' reply (Doc. 23-2) and the exhibits accompanying Plaintiffs' reply (Docs. 23-3 through 23-6).

**IT IS THEREFORE ORDERED** that Plaintiffs' Motion to Allow Plaintiff to Submit Response to Defendant's Opposition (Doc. 23) is **DENIED AS MOOT**.

Signed: March 30, 2021

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

